IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUM.SUIT NO.5841 OF 1999

Harish Ram Raheja ...Plaintiff.

V/s

M/s. Dawood & Co.
& Anr. ...Defendants.

Ms. M. Sarkar i/b M. Munim & Co. for the plaintiff.

None for the defendants.

CORAM: V.M.KANADE,J.

DATE: 31st August, 2004

PC:

1. Heard the learned Counsel appearing on behalf of the plaintiff. Even on the last occasion i.e. on 25th August, 2004 none appeared on behalf of the defendants. This Court had, therefore, directed the plaintiff to issue advocate's notice to the defendants and inform them that the matter will be placed on Board on 31st August, 2004 under the caption ex-parte decree. The said notice was given on 27th August, 2004 which was duly received by the Attorneys of the defendants at 2.20 P.M. In spite of that none appears on behalf of the defendants. Conditional leave to defend was granted by order dated 8th April 2003 on the defendant No.1 depositing an amount of Rs 4,20,000/- within a period of eight weeks. Defendant No.1 has not deposited the said amount till today.

Defendant No.1 had challenged this order by filing appeal which was also dismissed. Plaintiff has filed Non Deposit Certificate issued by the Prothonotary & Senior Master certifying that the defendants have not deposited the said amount as per the conditional leave granted by this Court. Plaintiff, under these circumstances, therefore, is entitled for decree against defendant No.1 in terms of prayer clause of the plaint. Original Documents filed by the plainitiff are taken on record and marked Exhibit-A collectively.

2. Accordingly,suit is decreed against defendant No.1 in terms of prayer clause of the plaint. Refund of court fees as per rules.

V.M. KANADE, J.